

IN THE DRAWINGS

Please amend Figure 1 to add reference numeral 200 and the lead line therefor. Please amend Figure 2 to add reference numeral 300 and the lead line therefor.

The attached sheet of drawings includes changes to Figs. 1-2. This sheet, which includes Figs. 1-2, replaces the original sheet including Figs. 1-2.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Method Claims 10-18 have been cancelled without prejudice. Claim 1 has been amended to recite that the lateral pressure is “present” between an edge of the at least one panel and the at least one plastic structure. Claim 6 has been rewritten in independent form and limited to the recitation of an elastic adhesive. Claim 20 has been cancelled and Claims 1, 2, 4, 5, 7-9 and 21 have been amended to recite the refrigerator of cancelled Claim 20.

Applicant wishes to thank Examiner Wilkins for the courtesy of an interview on June 29, 2005, at which time the outstanding Office Action and the prior art cite therein were discussed, and at which time Applicant presented arguments similar to those set forth below. The present amendment is based in part on that discussion.

Claims 1, 2, 7-9 and 20-21 were again rejected under 35 U.S.C. §102 as being anticipated by Caruso. Applicant had previously explained that Caruso describes that the plastic frame 34 “is molded around the edges of the glass panel” (column 2, lines 52-53). The glass panel in Caruso will thus be heated during the molding process and will cool together with the plastic frame after their removal from the mold. Therefore compressive lateral pressure will not *necessarily* be present, as is required for a rejection based on inherency (MPEP § 2112(IV)) since the frame may shrink less than the glass.

In reply and in the interview, the Examiner alleged that the claimed lateral compressive pressure is a process limitation and need not be considered for patentability. Accordingly, the claims have been amended to instead recite that the lateral pressure is “present” between an edge of the at least one panel and the at least one plastic structure. It is Applicants’ understanding from the interview that the Examiner accepts this as a structural limitation.

The Examiner has also alleged that lateral pressure is inherent in Caruso because no gap is shown in the figures. However the absence of an illustrated gap can also indicate an exact fit without compressive lateral pressure (or the presence of a gap that is too small to be shown). This does not *necessarily* evidence the presence of compressive lateral pressure, as is required for a rejection based on inherency, and so the rejection based on Caruso lacks any supporting evidence of anticipation.

The Examiner has also alleged that lateral pressure would also be inherent in Caruso due to gravity, for example when the panel is turned vertically. However, compressive lateral pressure will not necessarily be present in this case, particularly if the panel is firmly held by the frame at its top and bottom surfaces.

Claims 1, 2, 9 and 21 were also rejected under 35 U.S.C. §102 as being anticipated by EP 520,577 (EP '577). However, it is respectfully submitted that the amended claims also define over this reference.

Claims 1, 2, 9 and 21 now recite a refrigerator comprising at least one shelf comprising at least one panel and at least one plastic structure surrounding the panel wherein a compressive lateral pressure is present between an edge of the panel and the plastic structure. EP '577 is directed to outdoor tables or other outdoor furniture. It does not disclose a refrigerator having a shelf. Additionally, EP '577 clearly shows the presence of a gap 6 between the panel 1 and the frame 2 when the frame has cooled (Fig 2; col. 4, lines 40-41). Claims 1, 2, 9 and 21 therefore are not anticipated by this reference.

Claims 1, 2, 7-9 and 20-21 were also rejected under 35 U.S.C. §103 as being obvious over EP '577 (It appears that this was intended to refer to Caruso in view of EP '577). The examiner there alleged that it would have been obvious in view of EP '577 to have used shrink cooling to attach the panel to the frame in Caruso. However, this ignores the *contrary teachings* of EP '577.

EP '577 is directed to the construction of an *outdoor* table which is “liable to temperature changes causing the various materials which the table is composed of to show different degrees of expansion or shrinkage.” EP '577 therefore uses shrink cooling of the table 2 to secure the top leaf 1 (col. 1, lines 33-41). EP '577 thus teaches using shrink cooling to prevent defects in products which are subject to large and frequent temperature fluctuations during use. However, refrigerator shelves are normally maintained at a *constant* (low) temperature and are not encompassed by this teaching of EP '577. Therefore, one skilled in the art would not have been motivated to have adapted the shrink cooling of EP '577 to the refrigerator shelves of Caruso. Simply because shrink cooling *could* have been used for the shelves in Caruso (Office Action, page 5; “these processes are functional equivalents”) is not a motivation for incorporating this feature of EP '577 into Caruso, particularly when such an adaptation is contrary to the teachings of EP '577.

Claims 1, 2, 9 and 21 were also rejected under 35 U.S.C. §102 as being anticipated by French patent publication 2.053.627 (French '627). However the amended claims 1, 2, 9 and 21 also define over this reference. The claims now recite a refrigerator having at least one shelf. On the other hand, French '627 is directed to the assembly of a mirror and frame, and has nothing to do with refrigerators. The claims therefore clearly define over this reference.

Claim 6 was rejected under 35 U.S.C. §103 as being obvious over any one of Caruso, EP '577, Caruso in view of EP '577, or French '627, taken further in view of U.S. patent 5,228,764 (Cherry) which was cited to teach a refrigerator shelf in which a glass sheet is held in a frame via an adhesive. However, Claim 6 defines over any combination of the above references.

Initially, Applicants note that one skilled in the art would not have been motivated to have incorporated an adhesive into French '627, despite the teachings of Cherry, since *avoiding* “bonding of the mirror to a base fixing the frame” (English abstract) is the alleged

advantage of the invention in French '627. French '627 thus explicitly teaches against this modification. Concerning Caruso, EP '577, or Caruso in view of EP '577, taken further in view of Cherry, it is noted that EP '577 and Caruso lack an explicit or inherent teaching of the claimed lateral compressive pressure, as discussed above. Therefore, no combination of these references would teach the rejected claims, regardless of the teachings of Cherry with regard to an adhesive.

Concerning the rejection of Claim 21 under 35 U.S.C. §112, first paragraph, Applicant again notes that an amendment reciting a property which is inherent from the originally disclosed structure finds support in the original disclosure and is not new matter (MPEP § 2163.07(a)). The examiner has stated that "nowhere in the specification ... is it stated ... that the recess of the plastic structure can have a depth of as much as 4 mm." However, it is noted that Claim 21 merely recites that the recess has a depth which is not greater than an amount of shrinkage of the plastic structure during cooling from an injection molding temperature. Applicant respectfully submits that it is necessarily true that a recess formed by shrinkage during cooling will not have a depth greater than the amount of such shrinkage. The subject matter of Claim 21 is therefore inherent in the original disclosure.

The drawings have been amended to illustrate the refrigerator and the clip. The rejection thereto is therefore believed to be moot.

Application No. 10/644,731
Reply to Office Action of February 25, 2005.

Applicant therefore believes that the present application is in a condition for allowance and respectfully solicits an early notice of allowability.

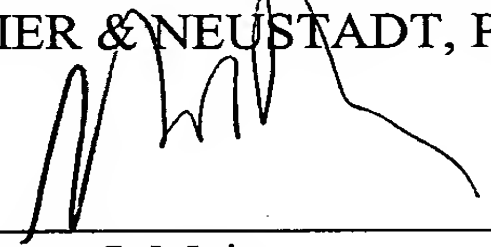
Respectfully submitted,

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